

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GEORGE EDWARD BURNS,

22-CV-02371 (AT) (VF)

Plaintiff,

ORDER

-against-

CITY OF NEW YORK et al.

Defendants.

-----X
VALERIE FIGUEREDO, United States Magistrate Judge:

Plaintiff George Edward Burns commenced this action on March 23, 2022. See ECF No. 2. On October 20, 2022, Defendant the City of New York moved to dismiss the complaint. See ECF No. 22. On November 10, 2022, the City submitted a letter requesting that the Court adjourn the initial case management conference (scheduled for November 15, 2022) in order “to provide Plaintiff with an opportunity to inform the Court of his current contact information.” See ECF No. 31. The November 10 letter indicated that while Plaintiff was a pretrial detainee at the time his complaint was filed, he was released from the custody of the Department of Corrections custody on October 25, 2022. Id. The Court adjourned the conference and directed the City to inform the Court by December 14, 2022 whether it had had any further contact with Plaintiff. See ECF No. 32. On December 14, 2022, the City submitted another letter stating that Plaintiff had not communicated with the City since his release. See ECF No. 33. That day, the Court entered an order directing Plaintiff to file a notice of change of address on the docket, and warning Plaintiff that failure to update his contact information in a timely fashion or otherwise appear in this case could result in the case being dismissed for failure to prosecute. See ECF No. 34.

Since Plaintiff's release, all orders sent to his address noted on the docket in this action have been returned undelivered, and Plaintiff has failed to update his contact information with the Court. Plaintiff also has not appeared or participated in this case since September 2022.

Accordingly, Plaintiff is hereby provided one final opportunity to appear in this action by providing the Court with a letter updating his contact information. Failure to do so by Wednesday, May 24, 2022 will result in the Court recommending that the complaint be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

DATED: New York, New York
April 25, 2023



VALERIE FIGUEREDO
United States Magistrate Judge